

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

HERITAGE BANK OF NEVADA,	)	3:14-cv-00681-LRH-WGC
	)	
Plaintiff,	)	<b><u>MINUTES OF PROCEEDINGS</u></b>
	)	
vs.	)	August 25, 2016
	)	
OWEN H O'NEIL, SAUNDRA O'NEIL,	)	
individually and as Trustees of the OWEN	)	
& SAUNDRA O'NEIL 1998 TRUST, and	)	
DOES 1-10, inclusive,	)	
	)	
Defendants.	)	
_____	)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Mark Simons (Present)

COUNSEL FOR DEFENDANTS: Jeffrey Leon (Present)

**MINUTES OF PROCEEDINGS: Motion Hearing**

2:06 p.m. Court convenes.

The court and counsel briefly discuss the outcome of the calendar call held today before District Judge Hicks (ECF No. 93). The bench trial date has been continued to Thursday, 10/13/2016 and the matter has been referred to recalled Magistrate Judge Robert A. McQuaid, Jr., for a settlement conference. The court advises counsel that Magistrate Judge McQuaid is unavailable during the month of September; however, Magistrate Judge Cobb's calendar is able to accommodate the scheduling of a settlement conference during the month of September.

The court addresses District Judge Hicks' order from August 10, 2015 regarding the cross motions for summary judgment (ECF No. 42). The court hears from counsel regarding the issues that remain in this case.

The court next addresses Defendants' request to strike and bar expert testimony (ECF No. 77). Counsel argue their respective positions.

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The court makes the observation that the parties have complied with the meet and confer obligation related to this discovery issue.

Mr. Leon confirms Paul Solaegui has not been deposed.

After hearing from counsel and considering the oral arguments and briefing relating to Defendants' motion to strike and bar testimony (ECF No. 77) is **DENIED**. It is the court's conclusion that Paul Solaegui is a non-retained expert governed by Fed. R. Civ. P. 26(a)(2)(C) and also that there has been an adequate disclosure of the facts and opinions.

Defendants shall have the opportunity to undertake Paul Solaegui's deposition, should Defendants deem it necessary.

The court and counsel readdress the matter of scheduling a settlement conference. The court advises counsel it is available either Tuesday, 9/20/2016 or Wednesday, 9/21/2016 to schedule a settlement conference. Counsel are directed to confirm with Ms. Ogden as soon as possible regarding the dates. Once a date is confirmed, an order scheduling the settlement conference will be entered. Mr. Leon requests the court consider instructing all parties meet at the property before the formal settlement conference at the court house. The court will consider Mr. Leon's request.

The parties should be aware of the following:

1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(A) and Rule IB 3-1 of the Local Rules of Practice, specific written objections to this Order within fourteen (14) of today's hearing date (8/25/2016). These objections should be titled "Objections to Magistrate Judge's Order" and should be accompanied by points and authorities for consideration by the District Court.

2. That this Order is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of the District Court's judgment.

There being no additional matters to address at this time, court adjourns at 2:55 p.m.

**IT IS SO ORDERED.**

LANCE S. WILSON, CLERK

By: \_\_\_\_\_/s/  
Katie Lynn Ogden, Deputy Clerk